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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,251	06/05/2001	Shuji Harashima	209467US2S	5977
22850	7590	10/17/2005		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
			EXAMINER NGUYEN BA, PAUL H	
			ART UNIT 2176	PAPER NUMBER

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/873,251

Applicant(s)

HARASHIMA ET AL.

Examiner

Paul Nguyen-Ba

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Notice to Applicant*

1. This action is responsive to Applicant's Amendment, filed on 6/22/2005.
2. Claims 1 and 5 are currently pending. Claims 1 and 5 are independent claims.

### *Priority*

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Gupta et al. ("Gupta"), U.S. Patent No. 6,233,585.

**Regarding independent claim 1**, Gupta teaches a program executing management system (see Abstract → i.e. transaction system) comprising:

*a processing element definition unit configured to store,, for each identification information of a service application which sequentially uses processing elements (i.e. “subtransaction”), both identification information and execution order of the processing elements used by the service application (see col. 6 lines 20-29; col. 7 lines 15-51; col. 8 lines 39-43; col. 11 lines 40-61 → i.e. “saga service”);*

*a recovery processing element definition unit configured to store the identification information of at least one recovery processing element to be executed when an abnormality occurs, for each identification information of the plurality of processing elements (see col. 3 lines 13-14; col. 6 lines 12-19, 41-42; col. 7 lines 56-60 → “persistent service” may be invoked to maintain a listing of the subtransaction steps performed as well as the state of any objects) (see also col. 7 lines 27-34 → a one to one mapping of subtransactions and compensating transactions may exist) (see further col. 6 lines 30-44; col. 11 lines 62 et seq. → i.e. “recover service”);*

*a number issuing unit configured to issue, ..., a unique number corresponding to the execution request; an executing unit configured to identify...to execute the processing element corresponding to the obtained identification information (see col. 7 lines 15-34; col. 11 lines 14-18); see also Figs. 2 and 3a); and*

*an executing unit for referring to said processing element definition unit to obtain the identification information of a processing element to be processed next, on the basis of a processing element use request from the process, and executing the processing*

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*element corresponding to the obtained identification information (see col. 7 lines 24-51; col. 8 lines 39-43 → i.e. “saga”); and*

*a recovery executing unit configured to, when the abnormality occurs during execution of the processing element by the executing unit, refer to the recovery processing element definition unit on the basis of the identification information of the processing element which has caused the abnormality, and to execute the recovery processing element corresponding to the abnormality, for the unique number corresponding to the execution request of the service application (see col. 6 lines 30-44; col. 11 lines 62 et seq. → i.e. “recover service”).*

**Independent Claim 5** incorporates substantially similar subject matter as independent claim 1, and is rejected along the same rationale.

### ***Response to Arguments***

6. 35 U.S.C. §101 rejection is withdrawn due to Applicant amendments.
7. Abstract/Specification objection is also hereby withdrawn due to Applicant amendments.
8. Applicant's outstanding arguments filed 6/22/2005 have been fully considered but they are not persuasive. Please refer to the discussion regarding independent claims 1 and 5 above. Examiner incorporated the rejections of previously dependent claims 3 and 7 into independent claims 1 and 5, respectively.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Nguyen-Ba whose telephone number is (571) 272-4094. The examiner can normally be reached on 11 am - 7 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PNB

  
WILLIAM BASHORE  
PRIMARY EXAMINER  
10/13/2005